

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:
FAIRFIELD SENTRY LIMITED, et al.,
Debtor in Foreign
Proceedings.

Chapter 15 Case
Case No. 10-13164 (CGM)
Jointly Administered

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,
Plaintiffs,
v.

Adv. Pro. No. 10-03635 (CGM)

ABN AMRO SCHWEIZ AG a/k/a
AMRO (SWITZERLAND) AG, et al.,
Defendants.

Adv. Pro. No. 10-03636 (CGM)

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,
Plaintiffs,
v.
ABN AMRO SCHWEIZ AG a/k/a
AMRO (SWITZERLAND) AG, et al.,
Defendants.

FIFTH AMENDED SCHEDULING ORDER
ON PERSONAL JURISDICTION BRIEFING AND SUBSEQUENT DISCOVERY

WHEREAS, on September 28, 2021, the Court entered a scheduling order for briefing motions to dismiss for lack of personal jurisdiction (“PJ Motions”);

WHEREAS, on January 14, 2022, the Court amended that scheduling order to facilitate the parties’ continued negotiations over jurisdictional discovery;

WHEREAS, the parties stipulated to the Second Amended Scheduling Order on Personal

Jurisdiction Briefing and Subsequent Discovery, so-ordered by the Court on August 2, 2022, at Adv. Pro. No. 10-03635, ECF No. 914; Adv. Pro. No. 10-03636, ECF No. 997 (“Second Amended Scheduling Order”);

WHEREAS, the Second Amended Scheduling Order extended the Liquidators’ deadline to file briefs in opposition to defendants’ PJ Motions to March 31, 2023, which extension was to seek jurisdictional discovery needed to oppose defendants’ PJ Motions;

WHEREAS, the parties stipulated to the Third Amended Scheduling Order on Personal Jurisdiction Briefing and Subsequent Discovery, so-ordered by the Court on March 30, 2022, at Adv. Pro. No. 10-03635, ECF No. 1019; Adv. Pro. No. 10-03636, ECF No. 1112 (“Third Amended Scheduling Order”);

WHEREAS, the Third Amended Scheduling Order extended the Liquidators’ deadline to file briefs in opposition to certain defendants’ PJ Motions to May 12, 2023, which extension was to review further jurisdictional discovery to oppose those defendants’ PJ Motions and negotiate a potential settlement;

WHEREAS, the parties stipulated to the Fourth Amended Scheduling Order on Personal Jurisdiction Briefing and Subsequent Discovery, so-ordered by the Court on May 15, 2023, Adv. Pro. No. 10-03635, ECF No. 1096; Adv. Pro. No. 10-03636, ECF No. 1199 (“Fourth Amended Scheduling Order”);

WHEREAS, the Fourth Amended Scheduling Order extended the Liquidators’ deadline to file briefs in opposition to certain defendants’ PJ Motions to May 26, 2023 and to July 11, 2023 for certain defendants, which extension was to review further jurisdictional discovery to oppose those defendants’ PJ Motions and negotiate a potential settlement;

WHEREAS, the Liquidators wish to continue to negotiate a potential settlement from

particular defendants;

WHEREAS, the Liquidators seek sufficient time in which to negotiate a potential settlement;

WHEREAS, the Liquidators do not seek extensions on PJ Motion opposition briefs relating to PJ Motions filed by defendants other than identified in Paragraph 1 below, which opposition briefs have been or will be filed by the deadlines set in the Second, Third, or Fourth Amended Scheduling Orders;

WHEREAS, Banca Arner S.A. n/k/a One Swiss Bank, who joined the Liquidators in submitting the Notice of Presentment, consent to extend the deadline for the Liquidators to file opposition briefs to their PJ Motions from May 26, 2023 to June 9, 2023;

WHEREAS, Centrum Bank AG (AMS) and Verwaltungs UND Privat-Bank AG Aktiengesellschaft (AMS), who joined the Liquidators in submitting the Notice of Presentment, consent to extend the deadline for the Liquidators to file opposition briefs to their PJ Motions from May 26, 2023 to July 26, 2023;

WHEREAS, pursuant to the Third Amended Scheduling Order, the Liquidators must provide 30-days' notice to the applicable defendant should Liquidators choose to file their opposition to such defendant's PJ Motion prior to May 12, 2023;

WHEREAS, pursuant to the Second Amended Scheduling Order, defendants must file their replies in further support of their PJ Motions within 90 days of service of an opposition; and

WHEREAS, there is good cause to extend the case schedule accordingly;

IT IS NOW, THEREFORE, HEREBY ORDERED, that:

1. The deadlines in the Third Amended Scheduling Order shall only be affected by this Fifth Amended Scheduling Order with respect to the following defendants:

- (1) Banca Arner S.A. n/k/a One Swiss Bank;
- (2) Centrum Bank AG (AMS); and
- (3) Verwaltungs UND Privat-Bank AG Aktiengesellschaft (AMS).

2. With respect to the Centrum Bank AG (AMS) and Verwaltungs UND Privat-Bank AG Aktiengesellschaft (AMS), the Liquidators shall file their oppositions to this defendants' PJ Motions by July 26, 2023, with 30 days' notice to the applicable defendant (or consent to a shorter notice period by the applicable defendant) should the Liquidators choose to file their opposition to such defendant's PJ Motion prior to July 26, 2023:

3. Centrum Bank AG (AMS) and Verwaltungs UND Privat-Bank AG Aktiengesellschaft (AMS) shall file their replies in further support of their PJ Motions within 90 days of service of an opposition with respect to their PJ Motion, provided that upon agreement between the Liquidators and the applicable defendant replies may be filed at a later date not to exceed 90 days after the July 26, 2023 deadline for the Liquidators' opposition briefs;

4. With respect to the Banca Arner S.A. n/k/a One Swiss Bank, the Liquidators shall file its opposition to this defendant's PJ Motion by June 9, 2023;

5. Banca Arner S.A. n/k/a One Swiss Bank shall file its reply in further support of its PJ Motions within 90 days of service of an opposition with respect to its PJ Motion;

6. The Court shall hear argument with respect to each defendant's PJ Motion at the next omnibus conference that is at least 30 days after service of a reply in further support of such PJ Motion; and

7. To the extent not modified herein, the provisions of the September 28, 2021 scheduling order regarding the PJ Motions, the provisions of the October 25, 2021 scheduling order following the parties' Rule 26(f) conference, the provisions of the August 2, 2022 Second Amended Scheduling Order, the provisions of the March 30, 2023 Third Amended Scheduling

Order, and all other provisions of the May 15, 2023 Fourth Amended Scheduling Order remain in full force and effect.

**Dated: May 25, 2023
Poughkeepsie, New York**



/s/ Cecelia G. Morris

**Hon. Cecelia G. Morris
U.S. Bankruptcy Judge**